

UNITED STATES DISTRICT COURT

United States Courts  
Southern District of Texas  
FILED

for the

District of

MAR 12 2020

Division

David J. Bradley, Clerk of Court

Case No.

FANZETTA BATISTE  
Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.  
If the names of all the plaintiffs cannot fit in the space above,  
please write "see attached" in the space and attach an additional  
page with the full list of names.)

-v-

Defendant(s)

(Write the full name of each defendant who is being sued. If the  
names of all the defendants cannot fit in the space above, please  
write "see attached" in the space and attach an additional page  
with the full list of names. Do not include addresses here.)

(to be filled in by the Clerk's Office)

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**

(Prisoner Complaint)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

## Defendant No. 3

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

 Individual capacity       Official capacity

## Defendant No. 4

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

 Individual capacity       Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- Federal officials (a *Bivens* claim)  
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

*Improper Medical Care (Attention)*

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

C. What date and approximate time did the events giving rise to your claim(s) occur?

December 17<sup>th</sup> 2019-Present

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Fungal INfection ON SKIN, did NOT receive proper Medical Attention in a timely MANNER. Doctor stated it was due to improper cleaning of clothes. OTHER INMATES had the same issue but not as bad as MINE. Other WITNESS can be given when NEEDED. (WITNESSES)

V. Injuries

Sgt. Gonzales, Sgt. Delgado, D.O./A.TREVINO, D.O./BL MARTINEZ

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

• Fungal Infection, is my injury. Topical on the skin.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like damages considered for my emotional duress, pain and suffering. Also the lack thereof, of proper medical attention that wasn't rendered, properly.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

family filed grievance online  
as well.

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

- E. If you did file a grievance:

1. Where did you file the grievance?

Harris County Jail  
1200 Baker Street  
Houston TX 77002

via I-60 Form; Grievance Box

2. What did you claim in your grievance?

I stated I have a skin irritation  
on my chest area. (First notice)  
Was seen in Triage by Nurse office concerns  
unresolved, no medical attention rendered.

3. What was the result, if any?

Unresolved matter. Was sent to Medical  
Doctor prescribed Diflucan and discontinued  
medication after 3wks. After I requested  
a refill for lotion. The Diflucan medication  
was a 6WEEKS dose. I did not get a 6WK dose.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I filed a grievance twice no one  
followed up with me, no followup  
no resolution rendered.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment? NO

## IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

*City*

*State*

*Zip Code*

### B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

*City*

*State*

*Zip Code*

Telephone Number

E-mail Address

**HARRIS COUNTY SHERIFF'S OFFICE JAIL**

Name: FANZELIA Batiste

SPN: 01928508 Cell: 4C2

Street 1200 BAKER St.

HOUSTON, TEXAS 77002

**aramark**

United States Courts  
in District of Texas  
FILED

MAR 12 2020

David J. Bradley, Clerk of Court

David J. Bradley  
CLERK OF COURT

P.O. Box 6010  
HOUSTON, TX. 77208

